

**DECLARATION OF WILLIAM N. WEAVER**

As the below named Declarant, I hereby declare that:

1. Hi-Cone, a division of Illinois Tool Works, is a manufacturer of packaging devices, including plastic ring carriers, and machines for application of such packaging devices, having its principal place of business in Itasca, Illinois.

2. I have been employed with Hi-Cone in the product development department for 33 years, currently as the Manager of Product Development.

3. I am personally involved with the design, manufacture and testing of packaging devices, primarily plastic ring carriers that are applied to two or more containers.

4. The traditional plastic ring carrier includes a longitudinal pitch between adjacent apertures designated as element 18 in Figure 10 of the attached Exhibit and termed the "first length" in the subject U.S. patent application.

5. Following application to containers, the traditional plastic ring carrier creates a multi-pack that includes a container pitch between adjacent containers within the multi-pack designated as element 16 in Figure 11 of the attached Exhibit and termed the "second length" in the subject U.S. patent application.

6. The traditional plastic ring multi-pack includes a second length greater than or equal to the first length.

7. Traditionally, our customers purchase plastic ring carriers and lease machines for application of such carriers into multi-packs.

8. Until the invention of the subject system, if these customers required a packaging system for use across different diameters of containers, these customers would lease multiple machines and use multiple styles of traditional design ring carriers to accommodate each multi-pack having a different diameter of container.

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9. As a result of leasing multiple machines and using multiple styles of traditional ring carriers, these customers would have numerous packaging lines using extensive floor space and costing hundreds of thousands of dollars.

10. The first solution to this problem was the creation of the "multiflex" machine that provided a single machine, with multiple adjustable pitches, costing hundreds of thousands of dollars and again using multiple styles of traditional design ring carriers.

11. As a result of the subject system, our customers can lease a single machine with a pitch based on traditional ring design carriers for large diameter containers that will additionally run carriers according to the subject system for smaller diameter containers without a loss of package integrity.

12. Until the invention of the subject system, I had not encountered a system for packaging multiple containers in a carrier, each container having a maximum diameter, that included: an applying machine accommodating a plurality of containers spaced at intervals by the applying machine; and a carrier, the carrier having adjacent longitudinal rows of elongated apertures with a longitudinal pitch between each elongated aperture having a first length that is greater than the maximum diameter and, after application to the plurality of containers juxtaposed relative to one another, the container pitch between adjacent containers within the carrier is a second length, at least approximately 10% less than the first length and approximately equal to the maximum diameter.

13. The subject system is not obvious because, as described in paragraphs 7-11, the industry solution to packaging containers having a range of diameters was to lease multiple machines or, alternatively, to lease a single machine capable of accommodating a range of traditional design carriers. Instead, the subject system utilizes a novel carrier design usable across a range of container diameters that is compatible with machines having a traditional pitch.

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14. I have reviewed, in detail, the teachings of Fisher, U.S. Patent 3,044,230 (the "Fisher Patent").

15. I do not believe that the Fisher Patent teaches or suggests a second length smaller than the first length.

16. If the Fisher Patent does teach or suggest a second length smaller than the first length, such difference is negligible and does not approach a 10% difference.

17. My job requires review of virtually every commercial plastic ring carrier available and I am unaware of any such carrier wherein the second length is smaller than the first length by more than a negligible amount.

18. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

April 14, 2003
Date

William N. Weaver
William N. WEAVER